

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/22/2024

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STEFAN HENRY,

Plaintiff,

-v-

32-42 BROADWAY OWNER LLC,

Defendant.
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1:23-cv-2252-GHW

ORDER OF DISMISSAL

GREGORY H. WOODS, United States District Judge:

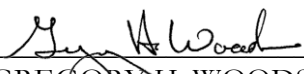
On May 16, 2024, the Court issued an order to show cause as to why the action should not be dismissed for lack of subject matter jurisdiction, given that no federal claim remains in this action and Plaintiff has not alleged facts showing the Court has diversity jurisdiction. Dkt. No. 67.

In a letter response filed on May 22, 2024, Plaintiff concedes that the Court lacks subject matter jurisdiction. Dkt. No. 69. He concedes there is no federal question jurisdiction and “does not dispute that this Court lacks supplemental jurisdiction over plaintiff’s state and local claims.” *Id.* Plaintiff also does not assert that the Court has diversity jurisdiction over this matter. *Id.*

“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). Accordingly, this action is dismissed without prejudice for lack of subject matter jurisdiction. *See Hernandez v. Conriv Realty Assocs.*, 182 F.3d 121, 123 (2d Cir. 1999) (“[W]here a court lacks subject matter jurisdiction, it also lacks the power to dismiss with prejudice.”). The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: May 22, 2024
New York, New York



GREGORY H. WOODS
United States District Judge